DPW AF 2645

TRANSMITTAL OF APPEAL BRIEF (Large Entity)

Docket No.
ITL.0564US

In Re Application Of: **Edward O. Clapper**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/854,778	May 14, 2001	Allan Hoosain	21906	2645	8166

Invention: **Establishing a Local Wireless Intranet for Retail Customers**

COMMISSIONER FOR PATENTS:

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on **October 27, 2004.**

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Dated: **December 13, 2004**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:	Edward O. Clapper	Art Unit:	2645
Serial No.:	09/854,778	Examiner:	Allan Hoosain
Filed:	May 14, 2001		
For:	Establishing a Local Wireless Intranet for Retail Customers	Atty Docket:	ITL.0564US P11335

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APPEAL BRIEF

Date of Deposit: December 13, 2004
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Cynthia L. Hayden

Cynthia L. Hayden

TABLE OF CONTENTS

REAL PARTY IN INTEREST

The real party in interest is the assignee Intel Corporation.

RELATED APPEALS AND INTERFERENCES

None.

STATUS OF CLAIMS

Claims 1-5 (Rejected).

Claim 6 (Canceled).

Claims 7-15 (Rejected).

Claim 16 (Canceled).

Claims 17-43 (Rejected).

Claims 1-5, 7-15, and 17-43 are rejected and are the subject of this appeal brief.

STATUS OF AMENDMENTS

All amendments have been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

Claim 1 calls for wirelessly linking a plurality of customers within a retail facility through a local area network (see item 31 in Figure 4). The claim further calls for enabling customers to communicate with one another via text messages over said network.

Claim 26 calls for establishing a local area network in a retail facility (again, please see item 31 in Figure 4). The method further includes providing retail customers with a terminal (see items 10a-10c in Figure 4) to communicate with said network. The terminal is activated by swiping a credit card through a slot in the terminal (see the slot 23 in the terminal 12 in Figure 2).

See, also, the specification at page 4, line 16, through page 5, line 2.

Claim 35 calls for establishing a local area network (see Figure 4, item 31) in a retail facility. The information is pushed to a customer terminal (see the item 12 in various figures), coupled to said network "depending on the current location of the terminal within the retail facility." See the specification at page 11, lines 17-24. It is there explained that when the user is close, for example, to the plumbing department, the server 34 may provide advertising information relating to particular plumbing products.

At this point, no issue has been raised that would suggest that the words in the claims have any meaning other than their ordinary meanings. Nothing in this section should be taken as an indication that any claim term has a meaning other than its ordinary meaning.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. **Are Claims 1-3, 5, 7-12, 14-15, and 17-24 Anticipated by Beach?**

B. **Are Claims 26-34 Anticipated by Beach in View of Ogasawara?**

C. **Are Claims 35, 36, 38, 39, 41, and 42 Anticipated by Beach?**

ARGUMENT

A. Are Claims 1-3, 5, 7-12, 14-15, and 17-24 Anticipated by Beach?

Claim 1 calls for wirelessly linking a plurality of customers within a retail facility through a local area network based in the retail facility. The customers are enabled to communicate with one another via text messages over the network. The Examiner cites a passage in reference to Beach (column 11, lines 54-63) which has nothing to do with allowing customers to communicate with each other. The present claim calls for enabling the customers to communicate with one another. The fact that all the customers can communicate with one central source does not enable the customers to communicate with one another.

Since the reference fails to meet the limitation of the claim, reconsideration is respectfully requested. On the same grounds, the claims dependent on claim 1 and claim 11, and its dependent claims, should be in condition for allowance, as well as claim 21 and its dependent claims.

B. Are Claims 26-34 Anticipated by Beach in View of Ogasawara?

Claim 26 calls for activating a network by swiping a credit card. In the response to the arguments, the Examiner suggests that somehow Ogasawara teaches "that the IC card enables a customer to access a terminal by swiping the IC card." However, the material cited in support thereof (namely, column 6, lines 19-25) teaches no such thing. In particular, that material simply indicates that the card may be swiped to transfer information, but that does not enable a terminal to be activated by swiping a card through a slot in the terminal. There is no reason to believe that the terminal is activated by card swiping. Instead, the cited language merely suggests that information may be transferred to the system by swiping the card. That information may simply augment a fully functional terminal. Nothing in the material supports the argument that the terminal is activated by card swiping.

Therefore, the rejection of claim 26, based on the combination of Beach and Ogasawara, fails to meet the limitations of the claims. The combination of the two prior art references fails to teach all the elements of the claim. There is nothing cited nor referred to in any of the material which suggests any basis upon which to modify the references to meet the claimed limitations.

Therefore, claim 26 and its dependent claims and claim 32, and its dependent claims, should be in condition for allowance.

C. Are Claims 35, 36, 38, 39, 41, and 42 Anticipated by Beach?

Claim 35 calls for establishing a local area network in a retail facility and pushing information to a customer terminal coupled to the network, depending on the current location of the terminal within the retail facility.

In the additional comments, the Examiner points to the fact that information about where a special on pies may be located within the store may be provided by the prior art reference. But this does not have anything to do with providing the information based on the location of the user. For example, in the situation cited to in the prior art reference, it would be much more advantageous if, when the user came close to the pies, the ad for the pies popped up. Such an operation would be possible with the claimed invention, but is nowhere suggested by the prior art reference.

Therefore, the rejections of claim 35 and its dependent claims and claim 41, and its dependent claims, should be reversed.

* * *

Applicant respectfully requests that each of the final rejections be reversed and that the claims subject to this Appeal be allowed to issue.

Respectfully submitted,

Date: December 13, 2004

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CLAIMS APPENDIX

The claims on appeal are:

1. A method comprising:

wirelessly linking a plurality of customers within a retail facility through a local area network based in the retail facility; and

enabling customers to communicate with one another via text messages over said network.

2. The method of claim 1 wherein wirelessly linking includes providing wireless access to a server by a plurality of customers within a retail facility.

3. The method of claim 1 including providing a processor-based device to retail customers that wirelessly communicates with said server.

4. The method of claim 3 including enabling users to activate said device by swiping a credit card through a slot in said device.

5. The method of claim 1 including receiving audible communications from said customers.

7. The method of claim 1 including pushing electronic files to customers.

8. The method of claim 1 including providing information about the current location of a processor-based device associated with a customer.

9. The method of claim 8 including providing information about the customer's location to the server.

10. The method of claim 9 including pushing information to the customer depending on the customer's current location.

11. An article comprising a medium storing instructions that, if executed, enable a processor-based system to:

wirelessly link a plurality of customers within a retail facility through a local area network based in the retail facility; and

enable customers to communicate with one another over said network through text messages.

12. An article of claim 11 further storing instructions that enable the processor-based system to be accessed wirelessly by a plurality of customers within a retail facility.

13. The article of claim 11 further storing instructions that enable the processor-based system to recognize a processor-based device used by a customer in response to a credit card swipe through a slot in said device.

14. The article of claim 11 further storing instructions that enable the processor-based system to receive audible communications from said customers.

15. The article of claim 14 further storing instructions that enable the processor-based system to broadcast audio files to said customers.

17. The article of claim 11 further storing instructions that enable the processor-based system to push electronic files to customers.

18. The article of claim 11 further storing instructions that enable the processor-based system to provide information about the current location of a processor-based device associated with a customer.

19. The article of 18 further storing instructions that enable the processor-based system to determine the customer's location.

20. The article of claim 19 further storing instructions that enable the processor-based system to push information to a customer depending on the customer's current location.

21. A system comprising:

a processor; and

a storage coupled to said processor to wirelessly link a plurality of customers within a retail facility through a local area network based in the retail facility and enable customers to communicate with one another via text messages through said network.

22. The system of claim 21 wherein said system is a server.

23. The system of claim 22 wherein said server is coupled to a wireless interface.

24. The system of claim 21 wherein said system maintains a network of wireless, processor-based devices used by customers.

25. The system of claim 24 wherein said system recognizes said processor-based device in response to the detection of a credit card swipe through a slot in one of said devices.

26. A method comprising:

establishing a local area network in a retail facility; and

providing retail customers with a terminal to communicate with said network, said terminal being activated by swiping a credit card through a slot in said terminal.

27. The method of claim 26 including enabling customers in said retail facility having said terminals to exchange messages with one another in the form of text messages.

28. The method of claim 26 including providing a server to control said network and enabling information to be pushed to customer terminals depending on the current location within the retail facility of the customer.

29. An article comprising a medium storing instructions that, if executed, enable a processor-based system to:

activate a terminal in said local area network in response to swiping a credit card through a slot in said terminal; and

establish communication with a local area network in a retail facility.

30. The article of claim 29 further storing instructions that, if executed, enable customers in a retail facility to exchange text messages through said network.

31. The article of claim 29 further storing instructions that, if executed, enable information to be pushed to customer terminals depending on the current location within the retail facility of the customer.

32. A processor-based system comprising:

a processor; and

a storage coupled to said processor, said storage storing instructions to activate said terminal in response to swiping a credit card through a slot in said terminal and to communicate through a local area network in a retail facility.

33. The system of claim 32, said storage storing instructions to enable said terminal to exchange text messages through said network.

34. The system of claim 32, said storage storing instructions to enable said terminal to receive information pertinent to the current location of the terminal within the retail facility.

35. A method comprising:

establishing a local area network in a retail facility; and

pushing information to a customer terminal coupled to said network depending on the current location of the terminal within said retail facility.

36. The method of claim 35 including enabling customers in said retail facility having said terminals to exchange messages with one another in the form of text messages.

37. The method of claim 35 including enabling a terminal to access the network in response to swiping a credit card through a slot in said terminal.

38. An article comprising a medium storing instructions that, if executed, enable a processor-based system to:

establish a local area network in a retail facility; and

push information to a customer terminal coupled to said network depending on the current location of the terminal within said retail facility.

39. The article of claim 38 further storing instructions to enable customers in said retail facility to exchange messages with one another in the form of text messages.

40. The article of claim 38 further storing instruction that, if executed, enable said system to access the network in response to swiping a credit card through a slot.

41. A system comprising:

a processor; and

a storage coupled to said processor storing instructions to establish a local area network in said retail facility between a plurality of customer terminals in said retail facility and push information to said customer terminals depending on the current location of the terminals within the retail facility.

42. The system of claim 41 wherein said system to enable customers in said retail facility to exchange messages with one another in the form of text messages.

43. The system of claim 41 including a global positioning device coupled to said processor.